

July 3, 2001

CENTRAL MAINE POWER COMPANY
Revision to Terms and Conditions
For Line Extensions

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order we allow Central Maine Power Company's (CMP) revisions to terms and conditions for line extensions to go into effect on July 4, 2001, as proposed by CMP. These changes are subject to the outcome of our line extension rulemaking required pursuant to newly enacted P.L. 2001, ch. 201.

II. BACKGROUND

On June 5, 2001, CMP filed certain revisions to Sections 7.1 and 7.3¹ of its terms and conditions. The primary changes relate to the construction of lines by persons other than CMP that will serve more than one customer. CMP interprets its current line extension terms and conditions as limiting such construction to CMP. Under the proposed terms and conditions, extensions that serve more than one customer's premise may be built for the owner of the line by persons other than CMP if the owner complies with certain conditions. These include building the line in compliance with the National Electric Safety Code and CMP's Distribution Construction Standards and Field Operating Procedures; the owner obtaining necessary easements; owner reimbursement of all tax obligations imposed on CMP; and the owner transferring title to CMP upon completion. In making this filing, CMP claims that it is attempting to be responsive to the requests of individuals and contractors while keeping in place conditions that will protect the customer who desires to build the line, other customers to be served from the line and CMP, the ultimate owner of the line.

Certain individuals and contractors raised concerns about CMP's limits on private construction of lines serving more than one person before the Legislature during its last session. As a result, the Legislature directed the Commission to conduct a rulemaking to establish standards for the construction of lines by persons other than CMP, terms and conditions for transferring the ownership of a line to a transmission and distribution utility, and requirements for apportioning

¹ Changes made to other pages of its terms and conditions are due to renumbering or are not substantive. On June 28, 2001, CMP made certain editorial changes on pages 7.06 and 7.07 at the request of Staff.

the costs of line extension among those who use it. These are major substantive rules that must be submitted to the Legislature by February 1, 2002.

III. DECISION

CMP's revised terms and conditions will address some of the needs of the individuals and contractors building during the current construction season. Our staff contacted a number of builders and contractors who participated in the legislative process and they supported these changes, at least in the interim, prior to the Commission's rulemaking. We will allow the terms and conditions to go into effect as filed by CMP with the understanding that they may be superseded by any rule that is ultimately adopted. Allowing these terms and conditions to go into effect should not be viewed as any indication of the likely direction of the rulemaking or of our ultimate support for the conditions proposed by CMP. We will be opening an inquiry in the next few weeks to begin gathering information from all affected persons as to the standards and terms and conditions that ultimately should apply to line extensions.

Accordingly, we

ORDER

That the Terms and Conditions, Pages 7.06 (Second Revision) and 7.07 (First Revision), filed on June 28, 2001; and 7.08 – 7.012 (all First Revisions), 7.13 (Second Revision), 7.14 – 7.15 (Originals), 7A.1 – 7A.36 (all First Revisions) filed on June 5, 2001, will be effective on July 4, 2001.

Dated at Augusta, Maine this 3rd day of July, 2001

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.